



Linda S. Adams  
Secretary for  
Environmental Protection

# California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353  
(858) 467-2952 • Fax (858) 571-6972  
<http://www.waterboards.ca.gov/sandiego>

April 3, 2008

Mr. Scott Patterson  
Brown & Winters  
Attorneys at Law  
120 Birmingham Drive, Suite 110  
Cardiff by the Sea, CA 92007-1737

In Reply Refer To:  
CA:229726:RStewart

Dear Mr. Patterson:

## **RESCHEDULING OF HEARING OF ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2005-0265 AGAINST THE CITY OF ESCONDIDO, HALE AVENUE RESOURCE RECOVERY FACILITY**

The Regional Board is in receipt of your letter dated March 20, 2008, indicating that you are the new counsel representing the City of Escondido regarding the proposed assessment of civil liability for multiply violations alleged in Complaint No. R9-2005-0265. In light of your recent involvement you have requested a 90-day delay in the Regional Board hearing. Based on this change, the Regional Board will reschedule the public hearing to the Board's August 13, 2008 meeting. However, while the City is negotiating a settlement, the Regional Board must, and the City should, proceed with the necessary preparations for a hearing on August 13, 2008.

In order for the Regional Board to fully consider any argument on your behalf, you should submit twenty copies of all documents, including exhibits you intend to provide the Regional Board in argument against the allegations established in the Complaint, by 5:00 p.m. **Monday, July 14, 2008**. Any documents submitted should, also be submitted in an electronic pdf format. Copies of the material submitted will be forwarded to the Regional Board and made available to the public via the Regional Board's web page. A notice of public hearing, agenda notice, and the agenda materials prepared for the hearing will be mailed to you as they are made available prior to the August 13, 2008 hearing date.

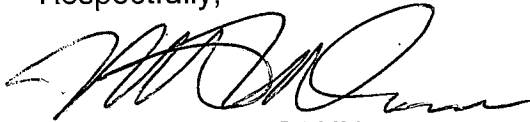
The heading portion of this letter includes a Regional Board code number noted after "in reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

*California Environmental Protection Agency*

April 3, 2008

Please contact Rebecca Stewart at (858) 467-2966 or via e-mail at [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov) if you have any questions concerning this matter.

Respectfully,



MICHAEL P. McCANN  
Assistant Executive Officer

MPM:mja:rls

Clay Phillips (via e-mail)  
City Manager  
City of Escondido  
[cphillips@escodido.org](mailto:cphillips@escodido.org)

Mark A. Waggoner (via e-mail)  
Assistant City Attorney  
City of Escondido  
[mwaggoner@escondido.org](mailto:mwaggoner@escondido.org)

Mary Ann Mann (via e-mail)  
Utilities Manager  
City of Escondido  
[mmann@escondido.org](mailto:mmann@escondido.org)

John Burcham (via e-mail)  
Superintendent  
HARRF  
City of Escondido  
[jburcham@escondido.org](mailto:jburcham@escondido.org)

Everett DeLano III (via e-mail)  
Law Offices of Everett DeLano  
[edelano@san.rr.com](mailto:edelano@san.rr.com)

Escondido Creek Conservancy  
P.O. Box 460791  
Escondido, CA 92046-0791

San Diego Coastkeeper  
220 Emerson Street, Suite 220  
San Diego, CA 92106

Jorge Leon (via e-mail)  
Senior Staff Counsel  
State Water Resources Control Board  
[jleon@waterboards.ca.gov](mailto:jleon@waterboards.ca.gov)